

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BOLIVAR CARDENAS-ARGUDO,

Petitioner,

-against-

GLENN S. GOORD, Commissioner,

Respondent.
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JUDGMENT
04-CV- 2348 (FB)

A Memorandum and Order of Honorable Frederic Block, United States District Judge, having been filed on April 21, 2005, granting the Commissioner's motion to dismiss the petition; dismissing the petition without prejudice for petitioner's failure to exhaust state remedies; and ordering that a Certificate of Appealability will not issue; it is

ORDERED and ADJUDGED that petitioner take nothing of the respondent; that the Commissioner's motion to dismiss the petition is granted; that the petition is dismissed without prejudice for petitioner's failure to exhaust state remedies; and that a Certificate of Appealability will not issue.

Dated: Brooklyn, New York
April 21, 2005

ROBERT C. HEINEMANN
Clerk of Court